

Alabama Rules of Civil Procedure

VIII. PROVISIONAL AND FINAL REMEDIES AND SPECIAL PROCEEDINGS

Rule 71C.

Enforcement of arbitration awards.

(a) *Who may enforce.* Any party to an arbitration may seek enforcement of the award entered as a result of the arbitration.

(b) *When filed.* If no appeal has been filed pursuant to Rule 71B within thirty (30) days of service of the notice of the award, thereby resulting in a waiver of the right to review, the party seeking enforcement of the award may at any time thereafter seek enforcement of the award in the appropriate circuit court as set forth in paragraph (c) of this rule.

(c) *Where filed.* The motion for entry of judgment shall be filed with the clerk of the circuit court where the action underlying the arbitration is pending or if no action is pending in the circuit court, then in the office of the clerk of the circuit court of the county where the award is made.

(d) *What filed.* A party seeking enforcement of an award shall file a motion for entry of judgment, and shall attach to the motion a copy of the award, signed by the arbitrator, if there is only one, or by a majority of the arbitrators.

(e) *How served.* If the arbitration arose out of a pending action, service shall be made as provided in Rule 5. If there is no action pending, service shall be made as provided in Rules 4 through 4.4, and upon any counsel who appeared in the arbitration for the party being served.

(f) *Procedure after filing.* The clerk promptly shall enter the award as the final judgment of the court. After service pursuant to paragraph (e) of this rule, the prevailing party may seek execution on the judgment as in any other case.

(dc) *District court rule.* Rule 71C applies to arbitration awards arising from actions initially filed in the district court. As provided above, any enforcement is in the circuit court.

[Adopted 12-10-2008, eff. 2-1-2009.]

Note from the reporter of decisions: The order adopting, effective February 1, 2009, Rule 71B, Rule 71C, and the Committee Comments to Rule 71B Effective

February 1, 2009, is published in that volume of *Alabama Reporter* that contains Alabama cases from 994 So. 2d.